

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

CRIMINAL MINUTES - MOTION HEARING

Case No.: 4:18CR00012 US v Deshawn Romeer Anthony, et al Date: 11/20/2019

Defendant:

-003 Tredarius Jameriquan Keene, custody
-004 Montez Lamar Allen, custody
-005 Javontay Jacquis Holland, custody
-008 Jalen Cormarrius Terry, custody

Counsel: Charles Bledsoe, Mark Haugh - CJA
Neil Horn, Seth Weston - CJA
Jacqueline Reiner, Tom Bondurant, Jr. - CJA
Paul Beers - CJA

PRESENT:	JUDGE: Michael F. Urbanski, CUSDJ Deputy Clerk: Kristin Ayersman Court Reporter: JoRita Meyer U. S. Attorney: Heather Carlton, Ron Huber, Rachel Swartz USPO: Kimberly Falatic Case Agent: Devin Taylor, FBI TFO Interpreter: none	TIME IN COURT: 10:13-11:24 1h 11m
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WITNESSES:

GOVERNMENT	DEFENDANT
1.	1.
2.	2.
3.	3.
4.	4.

PROCEEDINGS:

Court addresses parties re outstanding items on docket, pending appeal of 7/23/19 Opinion/Order ECF 395, 396. US is going forward with appeal of VICAR counts in this case. Court asks to hear about ECF 472 – Mr. Weston responds, asking for date certain and amended scheduling order. Court will not have late discovery in this case, noting ECF 491. Bond may become an issue for these dfts should case be set out, and parties can renew motions for bond should change in circumstances exist. Mr. Bledsoe (Keene) joins in motion, asks for date specific. Mr. Beers (Terry) joins 472. Ms. Reiner (Holland) joins motion, asks for new scheduling order with new PTC dates. Court advises parties of right to file any additional argument/briefing re tool marks, in regard to decision in US v Davis, et al, and parties may set oral argument on that issue as these dfts were not party to that argument. Ms. Reiner asks that Holland motion ECF 486 re 404(B) evidence be incorporated into the new scheduling order. Court will file new scheduling order, new PTC dates – will email parties with those dates prior to the order being filed. Mr. Reiner raises ECF 494 Motion for Furlough – court will address. Court grants ECF 343 and will set pretrial dates. ECF 345 – re Alibi demand, filed by US. Mr. Horn addresses alibi issue. Court

oral order denying ECF 345 as moot, pretrial order will have specific due date to reissue alibi demand. US w/d's ECF 371 Motion to conduct trial in Danville. US notes juvenile matter still under appeal, and that dft would be married with this case upon conclusion of appeal. Mr. Wills states counsel has been involved in this case and will continue to be. US notes jurisdiction issue. Court grants motion to continue, January trial date removed from calendar. Grants 471 and 472. Current pretrial order suspended; court will contact parties re schedule prior to entering order. Court will not empanel Danville jury for this case – it will be a Roanoke jury, tried in Roanoke, due to travel and inconvenience of jurors and security issues faced by USMS in Davis trial. Court addresses other pending motions/discovery motions, asking how parties want to deal with these pending motions, noting 12/6 hearing that is currently set. All dfts agree; US asks to reset to date in January that trial was set to occur on to allow response time. Court asks US about trial time frame for this case - US believes four weeks, noting stipulations were helpful in shortening evidence. Court will not summons as many jurors for this case and states the jury questionnaire will be shortened for this case. Court asks if US intends to call Matthew Ferguson – no. Court believes that response moots the motion to review FPD files. Court denies as moot without prejudice ECF 485 by oral order. Mr. Weston (Keene) responds. Keene counsel now agrees with US suggestion to move next hearing to January, and asks court not to issue ruling today on 485. Court vacates oral order mooting ECF 485. Court cancels PTC's set for 12/6, 12/20, 1/3. New PTC date 1/17/20 @ 10 am. New trial dates 8/24/20-9/18/20, in Roanoke with Roanoke jury. Court will email counsel with other PTC dates, notes discovery ddl is over. Ms. Reiner comes back to motion for furlough. US opposes, for reasons stated. Dft Holland's counsel responds. Dft Holland Ex 1, m/r. Court denies motion for reasons stated on record, however court will ask USMS about in custody escort to pay last respects privately, however not to attend funeral. Recess.